THE TRAVANCORE CRIMINAL LAW AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to present the report of the Select Committee on the Travancore Criminal Law Amendment Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

Clauses I and II

PRESIDENT : As there are only a few amendments, and as all of them relate to Section 366 (B), I do not propose to take the Bill clause by clause.

The question that clauses I & II of the Bill as revised by the Select Committee do stand part of the Bill was put and carried; and the clauses were added to the Bill.

Clause III

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : I do not move the first amendment.

PRESIDENT : Then you may move the next amendment.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : I beg to move the following amendment.

In Section 366 (B), line 1, insert

"British India or any State in the Continent of India or" after the words "whoever imports into Travancore from"

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I second it.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : Sir, the object of the Bill is said to be to prevent traffic in women and childern. The Section, as it stands, is not wide enough to cover cases of importing into Travancore from British India women who are born and bred up in British India. The Section relates only to cases where women are imported into Travancore from any country outside British India or from British India within the limits of which they have been imported from any country outside British India.

MR. A. THANU PILLAI (*Trivandrum*) : May I know what is the amendment that has now been moved ?

PRESIDENT : We are at the second amendment standing against Mr. Chandi's name.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : Though in a Federal India women from British India will have to be considered as our sisters, I submit it is not necessary that we should show any partiality towards them in enacting this measure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to oppose the motion.

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[Mr. Kayalam Parameswaran Pillai.]

As I had explained at the introduction of the Bill, this piece of legislation was introduced for discharging certain obligations arising by reason of Travancore being a part of the Empire which was a party to certain international Conventions regarding traffic in women and children. My object is simply to bring our law into conformity with that of British India in regard to traffic in women and children. The corresponding provision in British India is Section 366 (B) of the Indian Penal Code. I shall presently read that Section. Let me say at once that in British India it is no offence to import a Travancore women into British India for any purpose. When in British India it is not considered as an offence, why should the import of a British Indian woman from British India into Travancore be deemed as an offence?

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : May I know whether there is any country which imposes a bar on Travancore women?

MR. KAYALAM PARAMESVARAN PILLAI(*Additional Head Sirkar Vakil*): I am not aware, unless it be the case of countries which, having been a party to the Convention, have prohibited women of the Indian Empire being imported into those countries; and Travancore women also go in as Indian Empire women. We have to remember that practically we are legislating for an Imperial matter. Travancore is part of the Empire; and when we legislate for our Law being brought into conformity with that of the Indian Empire, we must make a corresponding provision and not impose any restriction on the transport or passage of women from one part of the Empire to another. This is the law in British India, (Section 366 B of the Indian Penal Code)

> "Whoever imports into British India from any country outside India any girl under the age of twentyone years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person ....."

so that if a woman is imported from any Indian State to British India, that is no offence under the Law in British India. Then, the question is, why we should make import of Indian women into Travancore an offence. That Section further proceeds as follows :

> " and whoever with such intent or knowledge imports into British India from any State in India any such girl who has with the like intent or knowledge been imported into India, whether by himself or by another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."

That is to say, if a foreign woman is imported into a Native State, and from there into British India, that is punishable. I have made the Section in the Bill comprehend that also. But if a British Indian woman is imported into Travancore that is not made punishable; and that is on a line with the British Indian provision.

There will also be some anomaly in making the amendment proposed by Mr. Chandi. Section 366 A of the Indian Penal Code provides :

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[MR. KAYALAM PARAMESWARAN PILLAI.]

"whoever, by any means what so ever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."

So, if any minor girl in British India is removed and if she is above 18 years of age that will be no offence. Now, Mr. Chandi wants to provide in the Bill that if any woman below 21 years of age is imported from British India into Travancore it should be considered as an offence, whereas in British India it will not be an offence. But apart from that, I may say that I do not want that the law should go any way beyond the purpose for which we are legislating.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I support the amendment moved by Mr. Chandi. In Section 365 (A) it is stated as follows:

"Whoever, by any means what so ever, induces any girl under the age of eighteen years to go from *any* place ....."

I understand even if the act is committed within Travancore it is made an offence. From one part of the country to another part if such a girl is induced to go away it becomes an offence. If that be so it is all the more necessary that women from British India who come to Travancore must be prevented from so coming. In Section 366 (A) the age 18 is fixed because the age of majority in Travancore is 18.

In Section 366(B), age 21 is fixed that being probably the age of majority in British India. I think it is a peculiar privilege for people in British India to disregard the discrepancy of the ages in the two sub-clauses referred to. I think the offence remains the same whether it is committed in Travancore, or by people who come to Travancore from British India. The essence of the offence is——

PRESIDENT: The age 21 applies to people coming from outside.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes, to those people who come from British India.

"Whoever imports into Travancore from any country outside the continent of India any girl under the age of twenty-one years....."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated Deputy President*): May I ask the member the necessity for making a discrimination between a Travancore woman and a British Indian woman?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): My submission is, we need not make any discrimination at all. We shall be fair to women irrespective of the country from which they come.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Does the member realise that the proposed amendment is really a discrimination against British Indian Women? If the amendment is accepted it is imposing a discrimination against a lady coming from Cochin.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): That is only against British India and not against women.

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I think we are concerned only with women

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Even though it is a discrimination against British Indian women, my point is, no such discrimination should be made as regards women, whether they be of British India or of Travancore or of any part of the World.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): What is the reason for discriminating against British Indian women while the British Indian Government does not discriminate against a Travancore lady?

PRESIDENT: I think what Mr. Abraham wants is that the age 21 must be applied to all women whether Indian or Non-Indian.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What has that to do with the present amendment?

PRESIDENT: What he wants is, that the Section which fixes 21 as the age, must be made applicable to women comming from British India also.

MR. A. THANU PILLAI (*Trivandrum*): Is the Member supporting or opposing the amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I am only supporting the present amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member please tell the House in whose interest the present amendment is moved. Is it to protect British Indian Women?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Morality in Travancore should not be jeopardized; we shall enact so as to avoid foreigners coming into Travancore to do all sorts of unpleasant acts.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member has sent up any amendment to prevent or prohibit prostitution in Travancore?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I am only supporting Mr. Chandi's amendment.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*): The Law Member said that it is only fair that as the British Indian Code does not make any provision of this nature we also should not make a similar provision. I am not satisfied with that. In enacting a piece of legislation we are not to be carried away by instincts of reciprocity or by what is being followed in British India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Please speak louder.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*): It is morality in Travancore that we want to preserve, and it is with that intent that this measure has been sought to be introduced.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether morality will not be violated when Cochin women are imported into Travancore?

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MR. K. C. CHANDI (*Minachil* cum *Devicolam*): I do not make any distinction between women from a Native State or from outside. In case the amendment is accepted that will be quite in conformity with the recommendations of the League Council. It will prevent traffic in women irrespective of the question whether traffic is conducted in British India or from any country outside it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member think that prostitution, or the aiding of prostitution as such are offences in Travancore?

MR. K. C. CHANDI (*Minachil* cum *Devicolam*). I believe it is not, except with the introduction of this Bill. So, I think this amendment is very necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Chandi said that the object of the amendment is to protect morality in Travancore. Certainly, it is a very noble ideal. But, he himself admitted that prostitution as such is not an offence here; and I may say it is not an offence elsewhere also. When the Bill was originally introduced I had a provision for making penal the aiding of *the business* of prostitution. The Select committee after carefully considering it came to the conclusion that even that was unnecessary. At the introduction of the Bill there was some adverse comment on that provision. But the present amendment goes further and makes the aiding of even a single act of prostitution an offence if the woman concerned is a British Indian woman, but not if she is a Travancore woman. As for the protection of British Indian women, I think that we may leave it to the British Government to move for it in the first instance.

The amendment of Mr. Chandi was then put to vote and declared lost.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*): Amendments 3 and 4, I do not move.

The question that clauses III and IV do stand part of the Bill was put and carried; and the clauses were added to the Bill.

Clause V.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In clause V, I want to move a formal amendment.

PRESIDENT: What is that, please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the Explanation proposed by Clause V, I move that the words "female" be altered into "girl" in both the places where it occurs.

A similar amendment was made by the Select Committee in the Explanation proposed by another Clause, but by an over-sight it was not done in Clause V. So, I move the amendment.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

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[MR. R. Nilakanta Pillai.]

The question that Clause V, with the amendment proposed by Mr. Kayalam Paramesvaran Pillai, do stand part of the Bill was put and carried; and the clause as amended was added to the Bill.

Clauses VI, VII and VIII.

The question that clauses VI, VII and VIII do stand part of the Bill was put and carried; and the clauses were added to the Bill.

The question that the Preamble do stand part of the Bill was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as settled by the Council be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried.

THE TRAVANCORE TOWN PLANNING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Town Planning Bill. It has been published in the Gazette with a Statement of Objects and Reasons; and I now beg to move that the Bill be read in Council.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles involved in the Bill. As will be noticed from the Preamble to the Bill, the general object of this measure is the development of towns. That development is proposed to be achieved by means of a previously settled plan called a town-planning scheme. The object of such regulation is, as is explained in the Preamble to the Bill to secure, to their present and future inhabitants, sanitary conditions, aminity and convenience. What a town is will be readily understood. A town is a collection of houses or buildings with an agglomeration of population. The buildings need not necessarily be residential. Their purpose may be industrial or educational, or amiliorative, curative and so forth. And, the population that conglomerates in a town does so for various purposes, not necessarily residential. Thus, what go to make up a town are the various classes of buildings together with the open space, the roads, the drainage system, lighting system, etc. Now this town has grown up not in a day or two but day by day, and bit by bit. It is growing up in a haphzard manner without any previous design. We can easily imagine what a town will be like and what the consequences will be if a town grows up in this fashion without any arrangement. There may be a school here and immediately next to it there may be a factory emitting offensive fumes, and next to it a hospital. The residential quarters may be in one place and the commercial quarters in another place, say, five miles away. The roads may be narrow, and traffic may not be easy on such roads. There may not be space enough for motor cars to pass, and even if you want to widen the roads it may not be possible to do so now at a

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